

Section 1975e, Pub. L. 98-183, §7, Nov. 30, 1983, 97 Stat. 1307; Pub. L. 101-180, §2(1), Nov. 28, 1989, 103 Stat. 1325; Pub. L. 102-167, §3, Nov. 26, 1991, 105 Stat. 1101; Pub. L. 102-400, §2, Oct. 7, 1992, 106 Stat. 1955, authorized appropriations to carry out this chapter. See section 1975c of this title.

A prior section 1975e, Pub. L. 85-315, pt. I, §106, Sept. 9, 1957, 71 Stat. 636; Pub. L. 90-198, §2, Dec. 14, 1967, 81 Stat. 582; Pub. L. 91-521, §3, Nov. 25, 1970, 84 Stat. 1356; Pub. L. 92-64, Aug. 4, 1971, 85 Stat. 166; Pub. L. 92-496, §6, Oct. 14, 1972, 86 Stat. 814; Pub. L. 94-292, §2, May 27, 1976, 90 Stat. 524; Pub. L. 95-132, §2, Oct. 13, 1977, 91 Stat. 1157; Pub. L. 95-444, §7, Oct. 10, 1978, 92 Stat. 1068; Pub. L. 96-81, §3, Oct. 6, 1979, 93 Stat. 642; Pub. L. 96-447, §2, Oct. 13, 1980, 94 Stat. 1894, related to authorization of appropriations for this chapter. See Codification note set out preceding section 1975 of this title.

Section 1975f, Pub. L. 98-183, §8, Nov. 30, 1983, 97 Stat. 1307; Pub. L. 101-180, §2(2), Nov. 28, 1989, 103 Stat. 1325; Pub. L. 102-167, §4, Nov. 26, 1991, 105 Stat. 1101, provided termination date for this chapter. See section 1975d of this title.

CHAPTER 21—CIVIL RIGHTS

SUBCHAPTER I—GENERALLY

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1981.	Equal rights under the law. <ol style="list-style-type: none"> (a) Statement of equal rights. (b) "Make and enforce contracts" defined. (c) Protection against impairment.
1981a.	Damages in cases of intentional discrimination in employment. <ol style="list-style-type: none"> (a) Right of recovery. (b) Compensatory and punitive damages. (c) Jury trial. (d) Definitions.
1982.	Property rights of citizens.
1983.	Civil action for deprivation of rights.
1984.	Omitted.
1985.	Conspiracy to interfere with civil rights. <ol style="list-style-type: none"> (1) Preventing officer from performing duties. (2) Obstructing justice; intimidating party, witness, or juror. (3) Depriving persons of rights or privileges.
1986.	Action for neglect to prevent.
1987.	Prosecution of violation of certain laws.
1988.	Proceedings in vindication of civil rights. <ol style="list-style-type: none"> (a) Applicability of statutory and common law. (b) Attorney's fees. (c) Expert fees.
1989.	United States magistrate judges; appointment of persons to execute warrants.
1990.	Marshal to obey precepts; refusing to receive or execute process.
1991.	Fees; persons appointed to execute process.
1992.	Speedy trial.
1993.	Repealed.
1994.	Peonage abolished.
1995.	Criminal contempt proceedings; penalties; trial by jury.
1996.	Protection and preservation of traditional religions of Native Americans.
1996a.	Traditional Indian religious use of peyote. <ol style="list-style-type: none"> (a) Congressional findings and declarations. (b) Use, possession, or transportation of peyote. (c) Definitions.

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	(d) Protection of rights of Indians and Indian tribes.
1996b.	Interethnic adoption. <ol style="list-style-type: none"> (1) Prohibited conduct. (2) Enforcement. (3) No effect on Indian Child Welfare Act of 1978.
SUBCHAPTER I-A—INSTITUTIONALIZED PERSONS	
1997.	Definitions.
1997a.	Initiation of civil actions. <ol style="list-style-type: none"> (a) Discretionary authority of Attorney General; preconditions. (b) Discretionary award of attorney fees. (c) Attorney General to personally sign complaint.
1997b.	Certification requirements; Attorney General to personally sign certification.
1997c.	Intervention in actions. <ol style="list-style-type: none"> (a) Discretionary authority of Attorney General; preconditions; time period. (b) Certification requirements by Attorney General. (c) Attorney General to personally sign motion to intervene. (d) Discretionary award of attorney fees; other award provisions unaffected.
1997d.	Prohibition of retaliation.
1997e.	Suits by prisoners. <ol style="list-style-type: none"> (a) Applicability of administrative remedies. (b) Failure of State to adopt or adhere to administrative grievance procedure. (c) Dismissal. (d) Attorney's fees. (e) Limitation on recovery. (f) Hearings. (g) Waiver of reply. (h) "Prisoner" defined.
1997f.	Report to Congress.
1997g.	Priorities for use of funds.
1997h.	Notice to Federal departments.
1997i.	Disclaimer respecting standards of care.
1997j.	Disclaimer respecting private litigation.
SUBCHAPTER II—PUBLIC ACCOMMODATIONS	
2000a.	Prohibition against discrimination or segregation in places of public accommodation. <ol style="list-style-type: none"> (a) Equal access. (b) Establishments affecting interstate commerce or supported in their activities by State action as places of public accommodation; lodgings; facilities principally engaged in selling food for consumption on the premises; gasoline stations; places of exhibition or entertainment; other covered establishments. (c) Operations affecting commerce; criteria; "commerce" defined. (d) Support by State action. (e) Private establishments.
2000a-1.	Prohibition against discrimination or segregation required by any law, statute, ordinance, regulation, rule or order of a State or State agency.
2000a-2.	Prohibition against deprivation of, interference with, and punishment for exercising rights and privileges secured by section 2000a or 2000a-1 of this title.

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2000a-3.	Civil actions for injunctive relief. (a) Persons aggrieved; intervention by Attorney General; legal representation; commencement of action without payment of fees, costs, or security. (b) Attorney's fees; liability of United States for costs. (c) State or local enforcement proceedings; notification of State or local authority; stay of Federal proceedings. (d) References to Community Relations Service to obtain voluntary compliance; duration of reference; extension of period.		(b) Persons unable to initiate and maintain legal proceedings. (c) "Parent" and "complaint" defined.
2000a-4.	Community Relations Service; investigations and hearings; executive session; release of testimony; duty to bring about voluntary settlements.	2000c-7.	Liability of United States for costs.
2000a-5.	Civil actions by the Attorney General. (a) Complaint. (b) Three-judge district court for cases of general public importance: hearing, determination, expedition of action, review by Supreme Court; single judge district court: hearing, determination, expedition of action.	2000c-8.	Personal suits for relief against discrimination in public education.
2000a-6.	Jurisdiction; exhaustion of other remedies; exclusiveness of remedies; assertion of rights based on other Federal or State laws and pursuit of remedies for enforcement of such rights.	2000c-9.	Classification and assignment.
SUBCHAPTER III—PUBLIC FACILITIES		SUBCHAPTER V—FEDERALLY ASSISTED PROGRAMS	
2000b.	Civil actions by the Attorney General. (a) Complaint; certification; institution of civil action; relief requested; jurisdiction; impleading additional parties as defendants. (b) Persons unable to initiate and maintain legal proceedings.	2000d.	Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin.
2000b-1.	Liability of United States for costs and attorney's fee.	2000d-1.	Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action.
2000b-2.	Personal suits for relief against discrimination in public facilities.	2000d-2.	Judicial review; administrative procedure provisions.
2000b-3.	"Complaint" defined.	2000d-3.	Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment.
SUBCHAPTER IV—PUBLIC EDUCATION		2000d-4.	Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty.
2000c.	Definitions.	2000d-4a.	"Program or activity" and "program" defined.
2000c-1.	Omitted.	2000d-5.	Prohibited deferral of action on applications by local educational agencies seeking Federal funds for alleged non-compliance with Civil Rights Act.
2000c-2.	Technical assistance in preparation, adoption, and implementation of plans for desegregation of public schools.	2000d-6.	Policy of United States as to application of nondiscrimination provisions in schools of local educational agencies. (a) Declaration of uniform policy. (b) Nature of uniformity. (c) Prohibition of construction for diminution of obligation for enforcement or compliance with nondiscrimination requirements. (d) Additional funds.
2000c-3.	Training institutes; stipends; travel allowances.	2000d-7.	Civil rights remedies equalization. (a) General provision. (b) Effective date.
2000c-4.	Grants for inservice training in dealing with and for employment of specialists to advise in problems incident to desegregation; factors for consideration in making grants and fixing amounts, terms, and conditions.	SUBCHAPTER VI—EQUAL EMPLOYMENT OPPORTUNITIES	
2000c-5.	Payments; adjustments; advances or reimbursement; installments.	2000e.	Definitions.
2000c-6.	Civil actions by the Attorney General. (a) Complaint; certification; notice to school board or college authority; institution of civil action; relief requested; jurisdiction; transportation of pupils to achieve racial balance; judicial power to insure compliance with constitutional standards; impleading additional parties as defendants.	2000e-1.	Applicability to foreign and religious employment. (a) Inapplicability of subchapter to certain aliens and employees of religious entities. (b) Compliance with statute as violative of foreign law. (c) Control of corporation incorporated in foreign country.
		2000e-2.	Unlawful employment practices. (a) Employer practices. (b) Employment agency practices. (c) Labor organization practices. (d) Training programs. (e) Businesses or enterprises with personnel qualified on basis of religion, sex, or national origin; educational institutions with personnel of particular religion.

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- (f) Members of Communist Party or Communist-action or Communist-front organizations.
- (g) National security.
- (h) Seniority or merit system; quantity or quality of production; ability tests; compensation based on sex and authorized by minimum wage provisions.
- (i) Businesses or enterprises extending preferential treatment to Indians.
- (j) Preferential treatment not to be granted on account of existing number or percentage imbalance.
- (k) Burden of proof in disparate impact cases.
- (l) Prohibition of discriminatory use of test scores.
- (m) Impermissible consideration of race, color, religion, sex, or national origin in employment practices.
- (n) Resolution of challenges to employment practices implementing litigated or consent judgments or orders.

2000e-3.

Other unlawful employment practices.

- (a) Discrimination for making charges, testifying, assisting, or participating in enforcement proceedings.
- (b) Printing or publication of notices or advertisements indicating prohibited preference, limitation, specification, or discrimination; occupational qualification exception.

2000e-4.

Equal Employment Opportunity Commission.

- (a) Creation; composition; political representation; appointment; term; vacancies; Chairman and Vice Chairman; duties of Chairman; appointment of personnel; compensation of personnel.
- (b) General Counsel; appointment; term; duties; representation by attorneys and Attorney General.
- (c) Exercise of powers during vacancy; quorum.
- (d) Seal; judicial notice.
- (e) Reports to Congress and the President.
- (f) Principal and other offices.
- (g) Powers of Commission.
- (h) Cooperation with other departments and agencies in performance of educational or promotional activities; outreach activities.
- (i) Personnel subject to political activity restrictions.
- (j) Technical Assistance Training Institute.
- (k) EEOC Education, Technical Assistance, and Training Revolving Fund.

2000e-5.

Enforcement provisions.

- (a) Power of Commission to prevent unlawful employment practices.

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- (b) Charges by persons aggrieved or member of Commission of unlawful employment practices by employers, etc.; filing; allegations; notice to respondent; contents of notice; investigation by Commission; contents of charges; prohibition on disclosure of charges; determination of reasonable cause; conference, conciliation, and persuasion for elimination of unlawful practices; prohibition on disclosure of informal endeavors to end unlawful practices; use of evidence in subsequent proceedings; penalties for disclosure of information; time for determination of reasonable cause.

- (c) State or local enforcement proceedings; notification of State or local authority; time for filing charges with Commission; commencement of proceedings.

- (d) State or local enforcement proceedings; notification of State or local authority; time for action on charges by Commission.

- (e) Time for filing charges; time for service of notice of charge on respondent; filing of charge by Commission with State or local agency; seniority system.

- (f) Civil action by Commission, Attorney General, or person aggrieved; preconditions; procedure; appointment of attorney; payment of fees, costs, or security; intervention; stay of Federal proceedings; action for appropriate temporary or preliminary relief pending final disposition of charge; jurisdiction and venue of United States courts; designation of judge to hear and determine case; assignment of case for hearing; expedition of case; appointment of master.

- (g) Injunctions; appropriate affirmative action; equitable relief; accrual of back pay; reduction of back pay; limitations on judicial orders.

- (h) Provisions of chapter 6 of title 29 not applicable to civil actions for prevention of unlawful practices.

- (i) Proceedings by Commission to compel compliance with judicial orders.

- (j) Appeals.

- (k) Attorney's fee; liability of Commission and United States for costs.

2000e-6.

Civil actions by the Attorney General.

- (a) Complaint.

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- (b) Jurisdiction; three-judge district court for cases of general public importance; hearing, determination, expedition of action, review by Supreme Court; single judge district court; hearing, determination, expedition of action.
 - (c) Transfer of functions, etc., to Commission; effective date; prerequisite to transfer; execution of functions by Commission.
 - (d) Transfer of functions, etc., not to affect suits commenced pursuant to this section prior to date of transfer.
 - (e) Investigation and action by Commission pursuant to filing of charge of discrimination; procedure.
- 2000e-7. Effect on State laws.
- 2000e-8. Investigations.
- (a) Examination and copying of evidence related to unlawful employment practices.
 - (b) Cooperation with State and local agencies administering State fair employment practices laws; participation in and contribution to research and other projects; utilization of services; payment in advance or reimbursement; agreements and rescission of agreements.
 - (c) Execution, retention, and preservation of records; reports to Commission; training program records; appropriate relief from regulation or order for undue hardship; procedure for exemption; judicial action to compel compliance.
 - (d) Consultation and coordination between Commission and interested State and Federal agencies in prescribing recordkeeping and reporting requirements; availability of information furnished pursuant to recordkeeping and reporting requirements; conditions on availability.
 - (e) Prohibited disclosures; penalties.
- 2000e-9. Conduct of hearings and investigations pursuant to section 161 of title 29.
- 2000e-10. Posting of notices; penalties.
- 2000e-11. Veterans' special rights or preference.
- 2000e-12. Regulations; conformity of regulations with administrative procedure provisions; reliance on interpretations and instructions of Commission.
- 2000e-13. Application to personnel of Commission of sections 111 and 1114 of title 18; punishment for violation of section 1114 of title 18.
- 2000e-14. Equal Employment Opportunity Coordinating Council; establishment; composition; duties; report to President and Congress.
- 2000e-15. Presidential conferences; acquaintance of leadership with provisions for employment rights and obligations; plans for fair administration; membership.
- 2000e-16. Employment by Federal Government.

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- (a) Discriminatory practices prohibited; employees or applicants for employment subject to coverage.
 - (b) Equal Employment Opportunity Commission; enforcement powers; issuance of rules, regulations, etc.; annual review and approval of national and regional equal employment opportunity plans; review and evaluation of equal employment opportunity programs and publication of progress reports; consultations with interested parties; compliance with rules, regulations, etc.; contents of national and regional equal employment opportunity plans; authority of Librarian of Congress.
 - (c) Civil action by employee or applicant for employment for redress of grievances; time for bringing of action; head of department, agency, or unit as defendant.
 - (d) Section 2000e-5(f) through (k) of this title applicable to civil actions.
 - (e) Government agency or official not relieved of responsibility to assure nondiscrimination in employment or equal employment opportunity.
- 2000e-16a. Short title; purpose; definition.
- (a) Short title.
 - (b) Purpose.
 - (c) "Violation" defined.
- 2000e-16b. Discriminatory practices prohibited.
- (a) Practices.
 - (b) Remedies.
- 2000e-16c. Coverage of previously exempt State employees.
- (a) Application.
 - (b) Enforcement by administrative action.
 - (c) Judicial review.
 - (d) Standard of review.
 - (e) Attorney's fees.
- 2000e-17. Procedure for denial, withholding, termination, or suspension of Government contract subsequent to acceptance by Government of affirmative action plan of employer; time of acceptance of plan.
- SUBCHAPTER VII—REGISTRATION AND VOTING STATISTICS
- 2000f. Survey for compilation of registration and voting statistics; geographical areas; scope; application of census provisions; voluntary disclosure; advising of right not to furnish information.
- SUBCHAPTER VIII—COMMUNITY RELATIONS SERVICE
- 2000g. Establishment of Service; Director of Service; appointment, term; personnel.
- 2000g-1. Functions of Service.
- 2000g-2. Cooperation with other agencies; conciliation assistance in confidence and without publicity; information as confidential; restriction on performance of investigative or prosecuting functions; violations and penalties.
- 2000g-3. Reports to Congress.

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SUBCHAPTER IX—MISCELLANEOUS PROVISIONS

- 2000h. Criminal contempt proceedings: trial by jury, criminal practice, penalties, exceptions, intent; civil contempt proceedings.
- 2000h-1. Double jeopardy; specific crimes and criminal contempts.
- 2000h-2. Intervention by Attorney General; denial of equal protection on account of race, color, religion, sex or national origin.
- 2000h-3. Construction of provisions not to affect authority of Attorney General, etc., to institute or intervene in actions or proceedings.
- 2000h-4. Construction of provisions not to exclude operation of State laws and not to invalidate consistent State laws.
- 2000h-5. Authorization of appropriations.
- 2000h-6. Separability.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 11111 of this title.

SUBCHAPTER I—GENERALLY

§ 1981. Equal rights under the law

(a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

(b) “Make and enforce contracts” defined

For purposes of this section, the term “make and enforce contracts” includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c) Protection against impairment

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

(R.S. § 1977; Pub. L. 102-166, title I, § 101, Nov. 21, 1991, 105 Stat. 1071.)

CODIFICATION

R.S. § 1977 derived from act May 31, 1870, ch. 114, § 16, 16 Stat. 144.

Section was formerly classified to section 41 of Title 8, Aliens and Nationality.

AMENDMENTS

1991—Pub. L. 102-166 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1991 AMENDMENT

Section 402 of Pub. L. 102-166 provided that:

“(a) IN GENERAL.—Except as otherwise specifically provided, this Act [see Short Title of 1991 Amendment note below] and the amendments made by this Act shall take effect upon enactment [Nov. 21, 1991].

“(b) CERTAIN DISPARATE IMPACT CASES.—Notwithstanding any other provision of this Act, nothing in

this Act shall apply to any disparate impact case for which a complaint was filed before March 1, 1975, and for which an initial decision was rendered after October 30, 1983.”

SHORT TITLE OF 1991 AMENDMENT

Section 1 of Pub. L. 102-166 provided that: “This Act [enacting section 1981a of this title and sections 607 and 1201 to 1224 of Title 2, The Congress, amending this section and sections 1988, 2000e, 2000e-1, 2000e-2, 2000e-4, 2000e-5, 2000e-16, 12111, 12112, and 12209 of this title, and section 626 of Title 29, Labor, and enacting provisions set out as notes under this section and sections 2000e and 2000e-4 of this title, and section 1a-5 of Title 16, Conservation] may be cited as the ‘Civil Rights Act of 1991’.”

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-559, which amended section 1988 of this title, is known as “The Civil Rights Attorney’s Fees Awards Act of 1976”, see note set out under section 1988 of this title.

SEVERABILITY

Section 401 of Pub. L. 102-166 provided that: “If any provision of this Act [see Short Title of 1991 Amendment note above], or an amendment made by this Act, or the application of such provision to any person or circumstances is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons and circumstances, shall not be affected.”

CONGRESSIONAL FINDINGS

Section 2 of Pub. L. 102-166 provided that: “The Congress finds that—

“(1) additional remedies under Federal law are needed to deter unlawful harassment and intentional discrimination in the workplace;

“(2) the decision of the Supreme Court in *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642 (1989) has weakened the scope and effectiveness of Federal civil rights protections; and

“(3) legislation is necessary to provide additional protections against unlawful discrimination in employment.”

PURPOSES OF 1991 AMENDMENT

Section 3 of Pub. L. 102-166 provided that: “The purposes of this Act [see Short Title of 1991 Amendment note above] are—

“(1) to provide appropriate remedies for intentional discrimination and unlawful harassment in the workplace;

“(2) to codify the concepts of ‘business necessity’ and ‘job related’ enunciated by the Supreme Court in *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971), and in the other Supreme Court decisions prior to *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642 (1989);

“(3) to confirm statutory authority and provide statutory guidelines for the adjudication of disparate impact suits under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); and

“(4) to respond to recent decisions of the Supreme Court by expanding the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination.”

LEGISLATIVE HISTORY FOR 1991 AMENDMENT

Section 105(b) of Pub. L. 102-166 provided that: “No statements other than the interpretive memorandum appearing at Vol. 137 Congressional Record S 15276 (daily ed. Oct. 25, 1991) shall be considered legislative history of, or relied upon in any way as legislative history in construing or applying, any provision of this Act [see Short Title of 1991 Amendment note above] that relates to *Wards Cove*—Business necessity/cumulation/alternative business practice.”